



## Apostle Islands National Lakeshore Snowmobile and Off-Road Vehicle Use



### Background

Ice fishermen have relied on using snowmobiles and off-road vehicles (ORVs) to cross the ice to reach fishing areas in the Apostle Islands for many years. Snowmobile and ORV use, however, are prohibited by Federal regulations in all national park units unless special regulations are in place allowing for this use. The Apostle Islands National Lakeshore boundary extends  $\frac{1}{4}$ -mile into Lake Superior from the islands and the mainland unit of the park. The National Park Service (NPS) should have established special regulations for Apostle Islands National Lakeshore many years ago that would allow for snowmobile and off road vehicle use on the frozen ice surface of Lake Superior within the  $\frac{1}{4}$ -mile lakeshore boundary. Enforcement of Federal regulations within the park would not prohibit the use of snowmobiles and ORVs on Lake Superior, but only within the  $\frac{1}{4}$ -mile boundary of the park, or about 10 percent of the lake's surface area within the archipelago.

---

**Are snowmobiles or ORVs legal on the frozen surface of Lake Superior within the boundary of Apostle Islands National Lakeshore?**

No. Snowmobiles and ORVs are prohibited by Federal regulations.

**What are the current regulations/laws prohibiting their use?**

Presidential Executive Orders (11644 Feb 8, 1972 and 11989, May 24, 1977) and long-standing National Park Service regulations (36 CFR 2.18 and 36 CFR 4.10), currently ban snowmobiles and ORVs within units of the National Park System, except where designated by special regulations. Routes and areas for legal snowmobile and ORV operation can only be designated by special regulations. Apostle Islands National Lakeshore DOES NOT have special regulations for such activities. Until snowmobile and ORV use is legal, NPS Rangers must enforce the existing regulations that prohibit snowmobile and ORV operations within the lakeshore.

## **What is an “off- road vehicle” (ORV)?**

An off- road vehicle is any motorized vehicle designed for or capable of cross country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain. This does not include any registered motorboat, or any emergency or law enforcement vehicle when used for emergency purposes.

## **Why has this become an issue now?**

In the past several years the National Park Service’s uneven enforcement of these Federal regulations has been challenged through Federal court cases and legal petitions served on the managers of national parks in other parts of the country. The National Park Service has been instructed by the Department of the Interior to enforce the snowmobile and ORV prohibitions.

## **Will tickets be issued?**

We are asking for your full support and voluntary compliance with these regulations until we are able to secure special regulations that will permit snowmobile use on the frozen surface of Lake Superior within the ¼-mile boundary. Our primary goal this winter is to educate people about these regulations and our efforts to obtain special regulations. As with any other violation of a regulation, if public education efforts fail, we may need to take other actions. Please remember that NPS Rangers have a responsibility to uphold the laws and regulations of the United States.

## **What is the National Park Service going to do about this?**

The National Park Service staff at Apostle Islands National Lakeshore is pursuing special regulations that will allow snowmobile and ORV use on the frozen surface of Lake Superior within the ¼-mile boundary. We should have done this long ago and apologize for that inaction. Gaining approval through the Federal regulatory system is a difficult and time consuming process that may take several years. We are nonetheless committed to securing these regulations as quickly as possible and are pursuing other legal means to allow these uses in the interim. We recognize that these special regulations to permit snowmobile and ORV use are critical to the safety of ice fishermen.

## **Is this related to the Wilderness Suitability Study?**

No. The timing is an unfortunate coincidence, but the two have no connection. The National Park Service is not recommending any of Lake Superior for wilderness protection.

## **Can I still fish within the boundary of the park?**

Yes. Fishing is legal under NPS and State regulations.

## **Does this situation apply in other national park areas?**

While the same regulations apply to all national park areas, each park must analyze its own legislation and environmental conditions to determine whether or not special regulations are appropriate to designate either snowmobile or ORV routes, or both. While snowmobile routes may be designated through special regulation in any national park area, ORV routes may be designated only in national recreation areas, national seashores, national lakeshores and national preserves.

## **What can I, as a private citizen, do to help?**

We ask for your patience and cooperation as we pursue these special regulations. You can also help by complying with the current regulations until they are changed or another interim measure is enacted. You can also help spread the word regarding our efforts to provide a legal means by which people can operate snowmobiles and ORVs on the frozen surface of Lake Superior within the park’s boundary. The National Park Service will be seeking public comment on this issue as the process unfolds.

For answers to further questions, please contact Apostle Islands National Lakeshore’s chief law enforcement officer at 715-779-3397, extension 201.

February 10, 2004